



House of Representatives

General Assembly

File No. 264

January Session, 2017

House Bill No. 7194

House of Representatives, March 28, 2017

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING EXCEPTIONS TO THE TEN-YEAR REPOSE PERIOD FOR CERTAIN PRODUCT LIABILITY CLAIMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 52-577a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2017*):

4 (c) The ten-year limitation provided for in subsection (a) of this
5 section shall not apply to any product liability claim brought by a
6 claimant who [is not entitled to compensation under chapter 568,
7 provided the claimant] can prove that the harm occurred during the
8 useful safe life of the product. In determining whether a product's
9 useful safe life has expired, the trier of fact may consider among other
10 factors: (1) The effect on the product of wear and tear or deterioration
11 from natural causes; (2) the effect of climatic and other local conditions
12 in which the product was used; (3) the policy of the user and similar
13 users as to repairs, renewals and replacements; (4) representations,
14 instructions and warnings made by the product seller about the useful

- 15 safe life of the product; and (5) any modification or alteration of the
16 product by a user or third party.

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| This act shall take effect as follows and shall amend the following sections: |
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| Section 1 | <i>October 1, 2017</i> | 52-577a(c) |
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill does not result in a fiscal impact to the state or municipalities as it involves civil actions.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 7194*****AN ACT CONCERNING EXCEPTIONS TO THE TEN-YEAR REPOSE PERIOD FOR CERTAIN PRODUCT LIABILITY CLAIMS.*****SUMMARY**

This bill extends the time a person has to bring a product liability lawsuit in certain situations involving workplace injuries. It does so by broadening an exception to the 10-year repose period, thus allowing a claimant to bring a lawsuit after that period even if he or she is entitled to workers' compensation.

Existing law generally provides that a person may not bring a product liability lawsuit against a party (e.g., the manufacturer) more than 10 years after that party last had possession or control of the product. Under current law, this 10-year repose period does not apply to a claimant who (1) is not entitled to workers' compensation coverage and (2) can prove that the harm occurred during the product's useful safe life (see BACKGROUND). The bill eliminates the first condition.

Under existing law and unchanged by the bill, (1) the 10-year repose period can be extended pursuant to an express written warranty and (2) a longer repose period applies to asbestos-related claims.

By law, in addition to the time limitations noted above, a product liability claimant must bring a lawsuit within three years of the date the injury or damage was first sustained or discovered, or should have been discovered in exercising reasonable care.

EFFECTIVE DATE: October 1, 2017

BACKGROUND***Product Liability and Useful Safe Life***

By law, when determining whether a product's useful safe life has expired, the judge or jury may consider, among other factors:

1. wear and tear or natural deterioration;
2. the climate and other local conditions in which the product was used;
3. the policy of the user and similar users as to repairs, renewals, and replacements;
4. the seller's representations, instructions, and warnings about the product's useful safe life; and
5. any product modification or alteration by a user or third party.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 29 Nay 10 (03/10/2017)